



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/613,768	
	Filing Date	July 3, 2003	
	First Named Inventor	Eric McKinlay	
	Art Unit	1742	
	Examiner Name	not yet known	
Total Number of Pages in This Submission	6 **	Attorney Docket Number	10005.001510

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s)
(please identify below):**PTO Form SB-08ab;****Copy of listed references: V – Z**
documents only;**Return receipt postcard**

Remarks

**** does not include pages of listed references****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual namePatrick D. Benedicto, Reg No. 40,909
OKAMOTO & BENEDICTO LLP

Signature

Patrick Benedicto

Date

October 17, 2003

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Patrick D. Benedicto

Signature

Patrick Benedicto

Date

October 17, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric McKinlay, et al.

Serial No. 10/613,768

Examiner: not yet known

Filed: July 3, 2003

Art Unit: 1742

Title: System, Method and Computer
Program Product for Initiating a Software
Download

Atty. Dkt. No.: 10005.001510

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Under 37 C.F.R. §1.56 and §§1.97-98

Sir:

Pursuant to the provisions of 37 CFR 1.56 and §§1.97-98, enclosed herewith is form PTO/SB/08 (substitute for form 1449A/PTO) listing references which may be material to the examination of this application, and with respect to which there may be a duty to disclose. The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

A copy of each listed reference is enclosed herewith, unless no such copy is required pursuant to 37 CFR § 1.98(d).

- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the references cited therein are hereby listed but are not required to be provided in this application under 37 CFR § 1.98(d).

Pursuant to 37 CFR §1.97, this Information Disclosure Statement is being submitted under the section indicated below.

- ☒ 37 CFR §1.97(b).
- ☐ 37 CFR §1.97(c). If so, then either:
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that either:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56 (c) more than three months prior to the filing of this Statement.
 - OR
 - ☐ Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).
- ☐ 37 CFR § 1.97(d). If so, then both:
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that either:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.
 - AND
 - ☐ Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

Consideration of the listed references and favorable action are respectfully solicited.

Respectfully submitted,

Eric McKinlay, et al.

Dated: October 17, 2003

By: Patrick D. Benedicto

Patrick D. Benedicto

Attorney For Applicant(s)

Reg. No. 40,909

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Typed or Printed Name:	Patrick D. Benedicto	Dated:	October 17, 2003
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/613,768
Filing Date	July 3, 2003
First Named Inventor	Eric McKinlay
Art Unit	1742
Examiner Name	not yet known
Attorney Docket Number	10005.001510

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	A	US- 5,446,919	Aug. 29, 1995	Wilkins	
	B	US- 5,717,923	Apr. 27, 1999	Dedrick	
	C	US- 5,794,259	Aug. 11, 1998	Kikinis	
	D	US- 5,898,434	Apr. 27, 1999	Small, et al.	
	E	US- 5,933,811	Aug. 3, 1999	Angles, et al.	
	F	US- 5,848,396	Dec. 08, 1998	Gerace	
	G	US- 5,991,735	Nov. 23, 1999	Gerace	
	H	US- 6,026,368	Feb. 15, 2000	Brown, et al.	
	I	US- 6,088,731	Jul. 11, 2000	Kiraly, et al.	
	J	US- 6,134,532	Oct. 17, 2000	Lazarus, et al.	
	K	US- 6,286,043	Sept. 04, 2001	Cuomo, et al.	
	L	US- 6,434,745	Aug. 13, 2002	Conley Jr., et al.	
	M	US- 6,446,128	Sept. 03, 2002	Woods, et al.	
	N	US- 6,314,451	Nov. 6, 2001	Landsman, et al.	
	O	US- 6,317,761	Nov. 13, 2001	Landsman, et al.	
	P	US- 6,347,398	Feb. 12, 2002	Parthasarathy, et al.	
	Q	US- 6,381,742	Apr. 30, 2002	Forbes, et al.	
	R	US- 6,438,215	Aug. 20, 2002	Skladman, et al.	
	S	US- 6,601,041	Jul. 29, 2003	Brown, et al.	
	T	US- 2001/0037240	Nov. 01, 2001	Marks, et al.	
	U	US- 2001/0059099	May 16, 2002	Coletta	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	V	WO 01/03028 A1	11 Jan. 2001	Cy-Door Technologies Ltd.		
	W	WO 01/39024 A2	31 May 2001	Avenue A, Inc.		
	X	WO 01/15052 A1	01 Mar. 2001	Memetrics, Inc.		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	10/613,768
Filing Date	July 3, 2003
First Named Inventor	Eric McKinlay
Art Unit	1742
Examiner Name	not yet known
Attorney Docket Number	10005.001510

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	Y	CNET News.com "Web Surfers Brace Pop-up Download", 4 pgs., copyright 1995-2003 CNET Networks, Inc. Retrieved from the internet: URL: http://news.com/2100-1023-877568.html .	
	Z	Forbes.com "How Not To Wrestle A Gator", 5 pgs., copyright 2003 Forbes.com. Retrieved from the internet: URL: http://www.forbes.com/2003/04/03/cx_ms_0403gator.html .	

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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